

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-8, 11-26, and 29-31 under 35 U.S.C. § 101 as directed to non-statutory subject matter; and rejects claims 1-31 under 35 U.S.C. § 102(e) as anticipated by FORD et al. (U.S. Patent Application Publication No. 2005/0289140). Applicants respectfully traverse these rejections.¹

By way of the present amendment, Applicants amend claims 1, 4, 7, 8, 11, and 27-30 to improve form. No new matter has been added by way of the present amendment. Claims 1-31 remain pending.

Rejection under 35 U.S.C. § 101

Claims 1-8, 11-26, and 29-31 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. In particular, the Office Action alleges that "[t]he content of these claims is limited to abstract ideas and does not constitute a statutory process, machine, manufacture or composition of matter in which the statutory process must result in a physical transformation, thereby, it does not produce a tangible and concrete result" (Office Action, pg. 2). Applicants have amended independent claims 1, 8, 11, and 29 to address the Examiner's concerns.

For at least these reasons, Applicants respectfully request that the rejection of claims 1, 8, 11, and 29 be reconsidered and withdrawn. Moreover, Applicants

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

respectfully request that the rejection of claims 2-7, 12-26, 30, and 31 be withdrawn due to the dependency of these claims from claims 1, 11, and 29.

Rejection under 35 U.S.C. § 102(e) based on FORD et al.

Claims 1-31 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by FORD et al. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. FORD et al. does not disclose or suggest the combination of features recited in claims 1-31.

For example, amended independent claim 1 is directed to a method performed by one or more devices. The method includes receiving a list of links; identifying, for each of the links, a source with which the link is associated; and ranking the list of links based at least in part on a quality of identified sources with which the links are associated. FORD et al. does not disclose or suggest this combination of features.

For example, does not disclose or suggest ranking a list of links based at least in part on a quality of the identified sources. The Office Action relies on element 170 in Fig. 1 and para. 0034 of FORD et al. as allegedly disclosing this feature (Office Action, pg. 3). Applicants respectfully disagree with the Office Action's interpretation of FORD et al.

Element 170 in Fig. 1 of FORD et al. corresponds to product scores that are assigned to web pages stored in a product spider database 147. This section of FORD et al. does not disclose or suggest ranking a list of links (which the Office Action alleges

corresponds to the URLs of web pages in product spider database 147) based at least in part on a quality of the identified sources with which the links are associated.

At para. 0034, FORD et al. discloses:

The Product Spider database 147 is generated through the use of a web crawler 160 that crawls web sites on the Internet 120 while storing copies of located web pages. The output of the web crawler 160 is input to a product score generator 162 that assigns a numerical score ("product score") to each web page based upon the likelihood that the page offers a product for sale for either online or offline purchase. For purposes of generating the score in the preferred embodiment, any type of item that can be purchased is considered a "product," including but not limited to physical goods, services, software, and downloadable content. In other embodiments, the products may be based on a more narrow definition of what constitutes a product. For example, by requiring or taking into account whether a web site includes information about shipping, non-physical items can be excluded from consideration or accorded a lesser weight. As depicted in FIG. 1, the product score 170 associated with each indexed web page is stored in the Product Spider Database 147. Alternatively, the web page entries could be grouped according to product score (e.g., top third, middle third, bottom third) without actually storing the score values. As a further refinement, the product scores could be generated and stored on a site-by-site basis rather than on a page-by-page basis.

This section of FORD et al. discloses assigning a numerical score ("product score") to each web page based upon the likelihood that the page offers a product for sale for either online or offline purchase. This section of FORD et al. does not disclose or suggest ranking a list of links based at least in part on a quality of identified sources with which the list of links is associated, as required by claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by FORD et al.

Claims 2-7 depend from claim 1. Therefore, these claims are not anticipated by FORD et al. for at least the reasons given above with respect to claim 1.² Moreover, these claims recite additional features not disclosed or suggested by FORD et al.

For example, claim 3 recites that at least some of the identified sources are news sources. The Office Action relies on elements 410-430 in Fig. 4 of FORD et al. for allegedly disclosing the above feature of claim 3 (Office Action, pg. 5). Applicants respectfully disagree with the Office Action's interpretation of FORD et al.

Elements 410-430 in Fig. 4 of FORD et al. correspond to titles of books that are retrieved in response to a search in product spider database 147 for "Mark Twain." FORD et al. does not disclose or suggest that any of these book search results is a news source or is associated with a news source. Thus, this section of FORD et al. cannot reasonably be relied on for disclosing that at least some of the identified sources are news sources, as required by claim 3.

For at least these additional reasons, Applicants submit that claim 3 is not anticipated by FORD et al.

Claim 4 recites that ranking a received list of links includes retrieving a source rank value for each identified source, the source rank value being based at least in part on one or more of a number of articles produced by the identified source during a first time period, an average length of an article produced by the identified source, an amount of important coverage that the identified source produces in a second time period, a

² As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to

breaking news score, network traffic to the identified source, a human opinion of the identified source, circulation statistics of the identified source, a size of a staff associated with the identified source, a number of bureaus associated with the identified source, a number of original named entities in a group of articles associated with the identified source, a breadth of coverage by the identified source, a number of different countries from which traffic to the identified source originates, or a writing style used by the identified source. FORD et al. does not disclose or suggest this feature.

The Office Action does not specifically address this feature. Instead, the Office Action alleges that "[a]s to claims 4, 5, 12, 16, 20, 22, 30, 31, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis" (Office Action, pg. 8). The claims that are addressed in the Office Action, however, do not include the above feature of claim 4. Thus, a proper case of anticipation has not been established with respect to claim 4.

Nevertheless, as set forth above, FORD et al. is directed to product searching in a product spider database 147. FORD et al. does not disclose or suggest that ranking a received list of links includes retrieving a source rank value for each identified source, the source rank value being based at least in part on one or more of a number of articles produced by the identified source during a first time period, an average length of an article produced by the identified source, an amount of important coverage that the identified source produces in a second time period, a breaking news score, network traffic to the identified source, a human opinion of the identified source, circulation statistics of

combine references) is not a concession by Applicants that such assertions are accurate or such

the identified source, a size of a staff associated with the identified source, a number of bureaus associated with the identified source, a number of original named entities in a group of articles associated with the identified source, a breadth of coverage by the identified source, a number of different countries from which traffic to the identified source originates, or a writing style used by the identified source, as required by claim 4.

For at least these additional reasons, Applicants submit that claim 4 is not anticipated by FORD et al.

Claim 6 recites that the links include links to on-line news articles. The Office Action relies on element 380 in Fig. 3 and para. 0056 of FORD et al. for allegedly disclosing this feature (Office Action, pg. 5). Applicants respectfully disagree with the Office Action's interpretation of FORD et al.

Element 380 in Fig. 3 of FORD et al. corresponds to a "related products" link. This link in no way relates to on-line news articles. Therefore, this related products link cannot reasonably be relied on as corresponding to links to on-line news articles, as required by claim 6. Moreover, the links recited in claim 6 refer to a received list of links. FORD et al. does not disclose or suggest receiving a list of related products links.

For at least these additional reasons, Applicants submit that claim 6 is not anticipated by FORD et al.

Independent claims 8-10 recite features similar to (yet possibly of different scope than) features recited above with respect to claim 1. Therefore, Applicants submit that

requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

these claims are not anticipated by FORD et al. for at least reasons similar to reasons given above with respect to claim 1.

Amended independent claim 11 is directed to a method performed by one or more devices. The method includes determining one or more metric values for a news source based at least in part on at least one of a number of articles produced by the news source during a first time period, an average length of an article produced by the news source, an amount of important coverage that the news source produces in a second time period, a breaking news score, an amount of network traffic to the news source, a human opinion of the news source, circulation statistics of the news source, a size of a staff associated with the news source, a number of bureaus associated with the news source, a number of original named entities in a group of articles associated with the news source, a breadth of coverage by the news source, a number of different countries from which network traffic to the news source originates, or a writing style used by the news source; and generating a quality value for the news source based at least in part on the determined one or more metric values. FORD et al. does not disclose or suggest this combination of features.

For example, FORD et al. does not disclose or suggest determining one or more metric values for a news source based at least in part on at least one of a number of articles produced by the news source during a first time period, an average length of an article produced by the news source, an amount of important coverage that the news source produces in a second time period, a breaking news score, an amount of network traffic to the news source, a human opinion of the news source, circulation statistics of the news source, a size of a staff associated with the news source, a number of bureaus

associated with the news source, a number of original named entities in a group of articles associated with the news source, a breadth of coverage by the news source, a number of different countries from which network traffic to the news source originates, or a writing style used by the news source. The Office Action relies on para. 0033 of FORD et al. for allegedly disclosing this feature (Office Action, pg. 4). Applicants respectfully disagree with the Office Action's interpretation of FORD et al.

At para. 0033, FORD et al. discloses:

The query server 140 includes a category ranking process 150 that prioritizes, by category, the results of searches across all of the various databases 141-147. The prioritization scheme is based upon an assessment of the significance of each category to the search query submitted by the user. The query server 140 also includes a spell checker 152 for detecting and correcting misspellings in search attempts, and a search tool 154 capable of generating search results from a database (e.g. the Books database 141) in response to a query submitted by a user. The search tool 154 prioritizes the items within a search result using different criteria depending upon the database used for the search. One approach, used for the Product Spider database 147, ranks the search result items through the well known "term frequency inverse document frequency" (TFIDF) approach, in which the weighting applied to each term of a multiple-term query is inversely related to the term's frequency of appearance in the database. In other words, the term in a query that appears least often in a database (e.g. the Product Spider database 147) is considered to be the most discriminating term in the query, and thus is given the greatest weight by the search tool 154. Algorithms for implementing this approach are well known and are commonly available in software development kits associated with commercial search engines such ALTAVISTA and EXCITE.

This section of FORD et al. discloses a query server 140 that performs a category ranking process 150. This section of FORD et al. does not disclose or suggest a news source.

Therefore, this section of FORD et al. cannot disclose or suggest determining one or more metric values for a news source based at least in part on at least one of a number of

articles produced by the news source during a first time period, an average length of an article produced by the news source, an amount of important coverage that the news source produces in a second time period, a breaking news score, an amount of network traffic to the news source, a human opinion of the news source, circulation statistics of the news source, a size of a staff associated with the news source, a number of bureaus associated with the news source, a number of original named entities in a group of articles associated with the news source, a breadth of coverage by the news source, a number of different countries from which network traffic to the news source originates, or a writing style used by the news source, as required by claim 11.

Further with respect to the above feature of claim 11, the Office Action alleges "weighting applied to each term of a multiple term query is inversely related to the term's frequency of appearance in the database" (Office Action, pg. 4). Applicants submit that this allegation does not address the above feature of claim 11. If this rejection is maintained, Applicants respectfully request that the relation of this allegation to the above feature of claim 11 be explained.

For at least the foregoing reasons, Applicants submit that claim 11 is not anticipated by FORD et al.

Claims 12-26 depend from claim 11. Therefore, these claims are not anticipated by FORD et al. for at least the reasons given above with respect to claim 11. Moreover, these claims recite additional features not disclosed or suggested by FORD et al.

For example, claim 26 recites that in determining one or more metric values, non-duplicate articles are weighted differently than duplicate articles. The Office Action

relies on Fig. 9 and paras. 0153 and 0160 of FORD et al. for allegedly disclosing this feature (Office Action, pg. 8). Applicants respectfully disagree with the Office Action's interpretation of FORD et al.

Fig. 9 of FORD et al. depicts the process performed in an "all products" search. This figure of FORD et al. does not disclose or suggest articles. Thus, this figure of FORD et al. cannot reasonably be relied on as disclosing that in determining one or more metric values, non-duplicate articles are weighted differently than duplicate articles, as required by claim 26.

At para. 0153, FORD et al. discloses:

The use of category popularity score weighting factors, discussed above, is preferably used to "normalize" the popularity scores between the Auctions and the other categories. In one embodiment, the Books, Music, Auction, and Videos category 310, 320, 330, 340 popularity scores are weighted equally. In another embodiment, the Auctions category popularity score is given a weighting three times as large as the scores of the remaining categories. In still another embodiment, the Auctions category popularity score is given a weighting one-third as large as the scores of the remaining categories.

This section of FORD et al. disclosing using category popularity score weighting factors to normalize the popularity scores between the Auctions category and other categories. This section of FORD et al. does not disclose or suggest that in determining one or more metric values, non-duplicate articles are weighted differently than duplicate articles, as required by claim 26.

At para. 0160, FORD et al. discloses:

If results are found within the Auctions database 144, the top-level results will preferably be displayed on the All Products search results page 300 regardless of whether any of the other categories have top-level results (i.e., have matching results in the Popularity Score Tables of their product

databases). Similarly, as long as at least one of the non-Auction categories finds matches within the category's Popularity Score Table, those top-level results will preferably be displayed on the All Products search results page 300 regardless of whether any other category found top-level results. If no categories find top-level results, the query server 140 does not generate an All Products "no results" page. Instead, the query server 140 undertakes additional steps in an attempt to generate search results from the query for display on the All Products search results page 300. The process used by the query server 140 in this endeavor is illustrated in FIG. 9.

This section of FORD et al. discloses displaying the top-level results from an Auctions database 144 regardless of whether any of the other categories has top-level results. This section of FORD et al. does not disclose or suggest that in determining one or more metric values, non-duplicate articles are weighted differently than duplicate articles, as required by claim 26.

For at least these additional reasons, Applicants submit that claim 26 is not anticipated by FORD et al.

Independent claims 27 and 28 recite features similar to (yet possibly of different scope than) features described above with respect to claim 11. Therefore, these claims are not anticipated by FORD et al. for at least reasons similar to reasons given above with respect to claim 11.

Amended independent claim 29 recites features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, this claim is not anticipated by FORD et al. for at least reasons similar to reasons given above with respect to claim 1.

Claims 30 and 31 depend from claim 29. Therefore, these claims are not anticipated by FORD et al. for at least the reasons given above with respect to claim 29.

Moreover, these claims recite additional features not disclosed or suggested by FORD et al.

For example, claim 30 recites features similar to (yet possibly of different scope than) features described above with respect to claim 11. Therefore, Applicants submit that claim 30 is not anticipated by FORD et al. for at least reasons similar to reasons given above with respect to claim 11.

Claim 31 recites features similar to (yet possibly of different scope than) features described above with respect to claim 6. Therefore, Applicants submit that claim 31 is not anticipated by FORD et al. for at least reasons similar to reasons given above with respect to claim 6.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /John E. Harrity/
John E. Harrity
Registration No. 43,367

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11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 44989